



State of Tennessee
Department of Environment and Conservation
Division of Water Resources
Mining Section
3711 Middlebrook Pike
Knoxville, Tennessee 37921-6538
PHONE (865) 594-6035 FAX (865) 594-6105

COMBINED NOTICE

Cancellation of Public Hearing Notice of Public Hearing Proposed Issuance of NPDES Permit

Public Notice M2020-11
Related Public Notice: M2020-10
Related Public Notice: M2020-06

April 9, 2020
March 26, 2020
March 12, 2020

NOTICE IS HEREBY GIVEN that the Division of Water Resources, Mining Section, has cancelled the following public hearing opportunities originally published in Public Notices M2020-06 and M2020-10 pursuant to Rule 0400-40-05-.06 (8) of the Tennessee Department of Environment and Conservation.

CANCELLED
April 14, 2020
7:00 p.m. EDT
Cove Lake State Park
Recreation Building
110 Cove Lake Lane
Caryville, TN 37714

CANCELLED
April 14, 2020
7:00 p.m. EDT
Webex Conference

Company Information

Mr. Dwayne Potter
Potter South East, LLC
511 East Monticello Pike
Huntsville, TN 37766

Site Information

Potter South East, Stone Facility
1623 Jacksboro Pike
Campbell County, TN 37766
NPDES Permit TN0070581 (Draft)

NOTICE IS HEREBY GIVEN that the Division of Water Resources, Mining Section, will hold the following public hearing pursuant to Rule 0400-40-05-.06 (8) of the Tennessee Department of Environment and Conservation.

May 12, 2020
7:00 p.m. EDT
Webex Conference

Company Information

Mr. Dwayne Potter
Potter South East, LLC
511 East Monticello Pike
Huntsville, TN 37766

Site Information

Potter South East, Stone Facility
1623 Jacksboro Pike
Campbell County, TN 37766
NPDES Permit TN0070581 (Draft)

This public hearing will be conducted via video-teleconference in the interest of protecting public health, safety, and welfare in light of the Coronavirus Disease 2019 (COVID-19).

The first case of COVID-19 was identified in the State of Tennessee on March 4, 2020. Since then, additional cases of COVID-19 have been identified in Tennessee demonstrating a continued, increasing, and serious risk to the health, safety, and welfare of Tennesseans. TDEC has joined the coordinated state government approach to both limit the spread of COVID-19 while continuing to protect the environment and provide and support essential services for Tennessee communities. On March 20, 2020, Governor Lee issued Executive Order 16 to allow state, county, and municipal governing bodies to continue to meet through electronic means, rather than being required to gather a quorum of members physically present at the same location. In order to ensure essential services continue to be provided, TDEC has taken measures to protect employees and Tennessee citizens and the regulated community we serve while still providing essential services. Therefore, public hearings and meetings will be conducted through electronic means such as Webex and will be consistent with Executive Order 16 to allow for full and transparent public participation.

Due to these circumstances, there is not public access to the physical location of the hearing. Information on how to join the online public hearing is provided below and is also available at the Tennessee Department of Environment and Conservation website at www.tn.gov/environment.

The Division will hold a preliminary technical session with the public from 6:00-7:00 p.m. for discussion and review of the permit application and plans. The formal public hearing will begin at 7:00 p.m. At the hearing, the Division will receive public comments concerning the proposed issuance of a NPDES permit.

The purpose of this Combined Notice is to cancel the previously issued notice for a public hearing, advise the public of the draft permit, solicit comments and information necessary to evaluate the potential impact of the proposed activities on human health and the environment and schedule a new date for which to hold the Public Hearing. The draft permit is available on the Division's Water Resources Permits Data Viewer at: http://environment-online.state.tn.us:8080/pls/enf_reports/f?p=9034:34001.

The Division has made the determination that the permit application is complete as required by Rule 0400-40-03-.06 (1)(c).

This new NPDES permit is for a limestone quarry and processing facility located at latitude 36°21'32.33" and longitude -84°08'33.13". The NPDES permit will authorize this facility to discharge treated mine wastewater and storm water. The facility consists of 25.03 acres and will discharge into Hunter Branch.

If you have any questions related to the proposed NPDES permit contact Bonnie Craighead at (865) 594-5547 or Bonnie.Craighead@tn.gov.

NPDES Hearing Process

The hearing was requested by TDEC in response to interest and concerns within the local community about the proposed site. The purpose of the hearing is to gather information from the public relevant to a final decision on the permit application. Comments not related to water quality or to the information contained in the permit application cannot be considered in the NPDES decision-making process. Issues such as air quality, zoning, blasting, noise, dust, and traffic are not related to water-quality and are not regulated by the Division of Water Resources or the NPDES program; therefore, consideration of these issues would not contribute relevant information for the proposed NPDES permit.

The hearing officer will limit oral presentations related to the NPDES permit to five minutes and require that all comments be relevant to NPDES water quality-related issues. Undue repetition in oral presentations should be avoided so that all interested parties will have an opportunity to present their concerns. Written comments related to the NPDES permit will be accepted at the hearing and by TDEC until **May 22, 2020**. Written comments will be afforded the same consideration as verbal comments.

Individuals who cannot attend the public hearing online or by phone may request for their written comments to be read into the record during the public hearing. **Written comments do not need to be read during the hearing to be part of the record.** A request for written comments to be read into the record may be emailed to Dennis.Conger@tn.gov prior to the hearing. These comments will be subject to the same five minute limit as other oral presentations. All requests for comments to be read into the record must be received before the start of the hearing.

Interested persons may obtain additional information and copy the application, draft permit, and supporting documentation from the NPDES permit file maintained at the Mining Section's office at the letterhead address. There is a nominal fee for copying. The file is available for public inspection during normal visiting hours by contacting Kara.Blevins@tn.gov or call (865) 594-5460 to schedule an appointment for the review. The following link will allow online viewing through DWR's Data Viewer: http://environment-online.state.tn.us:8080/pls/enf_reports/f?p=9034:34001.

Hearing Participation Instructions

The public hearing will be presented online via a Webex conference. The Division's preliminary public meeting will begin at 6:00 p.m. EDT with a short presentation and question and answer period. The formal hearing will begin at 7:00 p.m. EDT. The videoconference will open to participants at 5:45 p.m. Participants may join online, via the Webex app, or by phone. Participants are highly encouraged to join by computer online or with the Webex app in order to view maps, pictures, and other content which will be shared by the Division.

Information regarding how to join by computer will be posted to the following website at least three days prior to the public hearing:

<https://www.tn.gov/environment/ppo-public-participation/ppo-public-participation/ppo-water.html>

To join via the Webex app:

Meeting number (access code) 640 473 525

Meeting password: Hearing

To join by phone

1-415-655-0003 (TOLL)

Access code: 640 473 525

If you have trouble connecting to the hearing, please call: (865) 594-5543.

Individuals with disabilities who wish to participate in these proceedings should contact the Department's ADA Coordinator, Human Resources Division, William R. Snodgrass - TN Tower, 312 Rosa L. Parks Avenue, 2nd Floor, Nashville, TN 37243-1102, **1-866-253-5827**. Such contact may be in person, by writing, telephone, or other means and should be made no later than **May 4, 2020**, to allow time to provide such aid or services. Hearing impaired callers may use the Tennessee Relay Service, **1-800-848-0298**.

Last Day to Submit Written Comments for the NPDES Hearing Record: May 22, 2020. Comments may be submitted to the letterhead address or to Dennis.Conger@tn.gov.